



3

Attorney Docket No. 47793/57534

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Takashi NARA, et al.
U.S.S.N.: 10/087,329 GROUP ART UNIT: 2162
FILED: March 1, 2002 EXAMINER: Not Yet Known
FOR: FITNESS TOOL, POINT-GIVING SERVER, POINT-GIVING SYSTEM, POINT-GIVING METHOD AND PROGRAM

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: **BOX MISSING PARTS**, Commissioner for Patents, Washington, D.C. 20231 on August 5, 2002.

By: Regina M. Edwards
Regina M. Edwards

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

PETITION UNDER 37 C.F.R. §1.47

A Notice to File Missing Parts - Filing Date Granted was mailed by the United States Patent Office on April 4, 2002. The Notice to File Missing Parts - Filing Date Granted indicated that the statutory basic filing fee and oath or declaration was missing.

Three of the four inventors executed the declaration. However, the fourth inventor has not executed the declaration.

This is a petition under 37 C.F.R. §1.47(a) to accept the declaration executed by the three inventors on behalf of themselves and the non-signing inventors in order to avoid prejudice to the Assignee and its licensee.

08/15/2002 PAPERNA1 00000047 10087329

01 F041EE

10/08/02 10

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Attorney Docket No. 47793/57534

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S.S.N.: 10/087,329

GROUP ART UNIT: 2162

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By: 

Donna R. Davis

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF FACTS REGARDING INVENTOR'S
REFUSAL TO SIGN DECLARATION AND ASSIGNMENT

The following facts demonstrate a refusal to sign the declaration and assignment for the above identified application by Mr. Takashi Nara ("Mr. Nara"), one of the named inventors of the above-identified application.

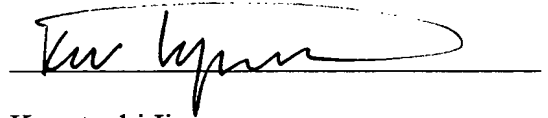
1) Mr. Nara's last known address is 5-9-5-101 Ikeda-machi, Yokosuka-shi, Kanagawa, 239-0806 Japan. I do not have any other contact information for Mr. Nara.

2) On April 1, 2002, my law firm, Ryuka IP Law Firm, sent a letter to Mr. Nara at his last known address asking him to sign the declaration and assignment for the above-identified application for the former agent, BROWN RUDNICK FREED & GESMER, P.C. A copy of this letter is attached as see Exhibit A. An English translation of this letter is attached as Exhibit B. I certify that Exhibit B is a true and accurate translation of Exhibit A.

- 3) We did not receive any response to our letter dated April 1, 2002 from Mr. Nara.
- 4) On April 22, 2002, my law firm, Ryuka IP Law Firm, sent a letter to Mr. Nara at his last known address asking him to sign the declaration and assignment for the above-identified application. A copy of this letter is attached as see Exhibit C. An English translation of this letter is attached as Exhibit D. I certify that Exhibit D is a true and accurate translation of Exhibit C. Attached as Exhibit E is the waybill for the letter to Mr. Nara mailed on April 22, 2002.
- 5) Attached as Exhibit F is the tracking confirmation for the letter dated April 22, 2002 confirming that Mr. Nara safely received the letter dated April 22, 2002 on April 24, 2002.
- 6) We did not receive any response to our letter dated April 22, 2002 from Mr. Nara.
- 7) On June 13, 2002, my law firm, Ryuka IP Law Firm, resent a copy of the letter dated April 22, 2002 to Mr. Nara at his last known address again asking him to sign the declaration and assignment for the above-identified application. This letter also informed Mr. Nara that in the U.S. a patent application can be filed without the signature of an inventor who refuses to sign an application. This letter also stated that failure to receive the executed declaration and assignment by June 21, 2002 will be considered to be a refusal to join the application. A copy of this letter is attached as see Exhibit G. An English translation of this letter is attached as Exhibit H. I certify that Exhibit H is a true and accurate translation of Exhibit G. Attached as Exhibit I is the waybill for the letter to Mr. Nara mailed on June 13, 2002.
- 8) Attached as Exhibit J is the tracking confirmation for the letter dated June 13, 2002 confirming that Mr. Nara safely received the letter dated June 13, 2002 on June 14, 2002.

9) We did not receive any response to our letter dated June 13, 2002 from Mr. Nara.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kazutoshi Iiyama', is written over a horizontal line.

Kazutoshi Iiyama
Japanese Patent Attorney
Ryuka IP Law Firm

Date: 2002/7/9



Attorney Docket No. 47793/57534
Applicants: Takashi NARA, et al.
U.S.S.N.: 10/087,329
Group Art Unit: 2162
Filed: March 1, 2002
Examiner: Not Yet Known

EXHIBIT A

COPY OF PAPERS
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RYUKA 龍華国際特許事務所

〒160-0022 東京都新宿区新宿1丁目24-12 東信ビル6F
TEL: 03-5366-7377 FAX: 03-5366-7288

平成14年4月1日

奈良 隆志 様

龍華国際特許事務所
法務部 上田 エリナ

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サイン書類ご送付の件

拝啓 益々ご清栄のこととお慶び申し上げます。

弊所番号: KN-0001US

さて、コナミ株式会社様から標記米国特許出願の出願依頼を弊所にいただきました。米国特許出願をするにあたっては、発明者様の直筆のサインが必要となります。つきましては、同封致しましたサイン書類 (Declaration, Assignment) のご自身の部分にご署名およびご署名日の記入をしていただき、4月25日までに同封の返信用封筒にて弊所へご返送いただきたくお願い申し上げます。なお、Declarationにご署名の際には、同封いたしました出願英文明細書およびDeclarationの内容を必ずご確認の上ご署名下さいますようお願い致します。

お手数をお掛け致しますが、何卒宜しくお願い申し上げます。

敬 具



OF

Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 2 of 10

EXHIBIT B

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① まごころお届け！ 小包追跡システムで配達状況がわかります。http://www.post.yusei.go.jp
フリーダイヤル 0120-222666 (平日 6:00~20:00、土日休日 9:00~17:00)

午前	午後	夜
9-12時	13-18時	19-21時

TO 2 3 9 0 8 0 6
おとこ 神奈川県横浜市池田町
5-9-5-101
おなまえ () 様方
奈良 隆夫 様
でんわ ()
FROM 1 6 0 0 0 2 2
おとこ 東京都新宿区新宿1-24-12
東信ビル6F
おなまえ () 様方
龍華国際特許事務所 様
でんわ 03 (5366) 2377

お届け通知
☒ 必要 ☐ 不要

品名 書類

郵便局

集荷にお伺いします。(無料) 郵便局へお電話ください。

14.4.23
12-18

ご依頼主様

ゆうパック 1個につき「ゆうパックシール」を1枚差し上げます。10枚集めると、ゆうパックを1個無料で送ることができます。

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Exhibit E



RYUKA IP LAW FIRM

Toshin Bld 6th Floor, 1-24-12 Shinjuku Shinjuku-ku, Tokyo 160-0022, JAPAN

PHONE: +81-3-5366-7377, FAX: +81-3-5366-7288

April 22, 2002

Attn: Mr. Takashi Nara,

From: Erina Ueda

Legal Dept., Ryuka IP Law Firm

Subject: Request for resending application forms with your signatures

Dear Mr. Nara,

Our reference: KN-0001US

Though we have sent application forms for the above-mentioned U.S. patent application, we need to file new application forms with your signatures because of a change in law firm of the local attorney. We would like to have your signatures and date of the signatures at a part just above your printed name on the enclosed application forms (Declaration, Assignment) and send same back to us by an enclosed self-addressed envelope. Please make sure that you confirm the contents of enclosed English specification for the application and declaration by yourself before you sign to the declaration.

If you cannot sign or refuse to declare for some reason, we would like to be informed with the reason.

Thank you for your cooperation.

Regards,

Exhibit D



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 5 of 10

EXHIBIT E

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RYUKA 龍華国際特許事務所

〒160-0022 東京都新宿区新宿1丁目24-12 東信ビル6F
TEL: 03-5366-7377 FAX: 03-5366-7288

平成14年4月22日

奈良 隆志 様

龍華国際特許事務所

法務部 上田 エリナ

サイン書類ご送付の件

拝啓 益々ご清栄のこととお慶び申し上げます。

弊所番号: KN-0001US

さて、先日標記米国特許出願用のサイン書類をご送付致しましたが、現地の代理人が事務所を移籍致しましたので、新たにサイン書類が必要となりました。大変お手数ではございますが、同封致しましたサイン書類 (Declaration, Assignment) のご自身のお名前の上の部分にご署名およびご署名日の日付をご記入いただき、同封の返信用封筒にて弊所へご返送くださいますようお願い申し上げます。なお、Declarationにご署名の際には、同封致しました出願英文明細書及び Declarationの内容を必ずご確認の上ご署名くださいますようお願い致します。

なお、事情によりサインができない場合や、宣誓を拒否される場合には、理由を添えて弊所までご連絡いただければ幸いです。

お手数をお掛け致しますが、何卒宜しくお願い申し上げます。

敬 具

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Exhibit C



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 3 of 10

EXHIBIT C

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RYUKA IP LAW FIRM

Toshin Bld 6th Floor, 1-24-12 Shinjuku Shinjuku-ku, Tokyo 160-0022, JAPAN

PHONE: +81-3-5366-7377, FAX: +81-3-5366-7288

April 1, 2002

Attn: Mr. Takashi Nara,

From: Erina Ueda

Legal Dept., Ryuka IP Law Firm

Subject: Request for resending application forms with your signatures

Dear Mr. Nara,

Our reference: KN-0001US

We have received the request to file the above-identified U.S. Patent Application from Konami Corporation. The documents which in inventor's original handwriting signature are needed to complete the filing of the U.S. Patent Application. We would like to have your signatures and date of the signatures at a part just above your printed name on the enclosed application forms (Declaration, Assignment) and send same back to us by an enclosed self-addressed envelope. Please make sure that you confirm the contents of enclosed English specification for the application and declaration by yourself before you sign to the declaration.

Thank you for your cooperation.

Regards,

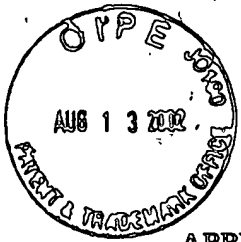
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Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 4 of 10

EXHIBIT D

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Attorney Docket No. 47793/57534

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Takashi NARA, et al.

U.S.S.N.: 10/087,329

GROUP ART UNIT: 2162

FILED: March 1, 2002

EXAMINER: Not Yet Known

FOR: FITNESS TOOL, POINT-GIVING SERVER, POINT-GIVING SYSTEM, POINT-GIVING METHOD AND PROGRAM

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: **BOX MISSING PARTS**, Commissioner for Patents, Washington, D.C. 20231 on August 5, 2002.

By:

Regina M. Edwards
Regina M. Edwards

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts of Non-Provisional Application, dated April 4, 2002, transmitted herewith are the following documents:

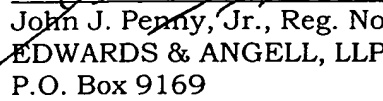
- 1) Part 2 of PTO Form 1533 (Formalities Letter);
- 2) Executed Declaration and Power of Attorney Forms by (A) Yoshinori KONDO, (B) Yuji FUKUCHI, and (C) Yukio MANDOKORO;
- 3) Added Page to the Declaration and Power of Attorney Form(s) or Signature by Joint Inventor(s) on Behalf of Nonsigning Inventor(s) Who Refuse(s) to Sign or Cannot be Reached;
- 4) Petition under 37 C.F.R. § 1.47 to File Application by Less Than All Inventors;
- 5) Statement of Facts Regarding Inventor's Refusal to Sign Declaration and Power of Attorney and Assignment and 20 pages of exhibits;
- 6) Preliminary Amendment;
- 7) Request for Change of Correspondence Address;
- 8) Petition for Two-Month Extension of Time (x2);
- 9) A check in the amount of \$660.00 representing:
 - the (a) the petition fee (under 37 C.F.R. §1.17(h)) (\$130.00);
 - two-month extension fee (\$400.00); and
 - late filing fee surcharge (\$130.00).

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- 10) This Transmittal Letter (x2); and
- 11) Return Postcard.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



John J. Penny, Jr., Reg. No.: 36,984
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, Massachusetts 02209
Tel.: 617-439-4444
Fax: 617-439-4170

Date: 8/5/02
BOS2_303384.1



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 6 of 10

EXHIBIT F

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2002/07/03 18:57



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検索した番号は 11-9372-98483(一般小包)です

状態 発生日	郵便局名	状態	備考	郵便番号	県名等
4月23日	新宿花園	引受		160-0022	東京
4月24日	久里浜	到着		239-8799	神奈川
4月24日 10:01	久里浜	お届け先にお届け済		239-8799	神奈川

小包

書留

翌朝10時郵便



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Exhibit F



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 7 of 10

EXHIBIT G

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〒160-0022 東京都新宿区新宿1丁目24-12 東信ビル6F

TEL: 03-5366-7377 FAX: 03-5366-7288

平成14年4月22日

奈良 隆志 様

龍華国際特許事務所

法務部 上田 エリナ

再送 2002 6.13

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弊所番号: KN-0001US

さて、先日標記米国特許出願用のサイン書類をご送付致しましたが、現地の代理人が事務所を移籍致しましたので、新たにサイン書類が必要となりました。大変お手数ではございますが、同封致しましたサイン書類 (Declaration, Assignment) のご自身のお名前の上の部分にご署名およびご署名日の日付をご記入いただき、同封の返信用封筒にて弊所へご返送くださいますようお願い申し上げます。なお、Declarationにご署名の際には、同封致しました出願英文明細書及び Declarationの内容を必ずご確認の上ご署名くださいますようお願い致します。

なお、事情によりサインができない場合や、宣誓を拒否される場合には、理由を添えて弊所までご連絡いただければ幸いです。

お手数をお掛け致しますが、何卒宜しくお願い申し上げます。

敬 具

お手数ではございますが、宣誓を拒否される場合には、同封の葉書に氏名をご記入の上、弊所までご返送下さいますようお願い申し上げます。

なお、米国では、発明者が複数名いる場合に宣誓を拒否した発明者がいても、他の発明者の宣誓により特許出願をすることができます(37CFR § 1.47)。

この場合には、米国出願がなされた旨が宣誓を拒否した発明者に送付されます。

宣誓を拒否した発明者は、後に宣誓書を提出することもできます (§ 1.63)。

「6月21日までにご返送もご連絡も頂けない場合には、宣誓を拒否なさる

ものとみなして、出願処理を進めさせていただくことをご了解下さい。

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Exhibit G



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 8 of 10

EXHIBIT H

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Toshin Bld 6th Floor, 1-24-12 Shinjuku Shinjuku-ku, Tokyo 160-0022, JAPAN

PHONE: +81-3-5366-7377, FAX: +81-3-5366-7288

April 22, 2002

Attn: Mr. Takashi Nara,

From: Erina Ueda

Legal Dept., Ryuka IP Law Firm

RESENDING June 13, 2002

Subject: Request for resending application forms with your signatures

Dear Mr. Nara,

Our reference: KN-0001US

Though we have sent application forms for the above-mentioned U.S. patent application, we need to file new application forms with your signatures because of a change in law firm of the local attorney. We would like to have your signatures and date of the signatures at a part just above your printed name on the enclosed application forms (Declaration, Assignment) and send same back to us by an enclosed self-addressed envelope. Please make sure that you confirm the contents of enclosed English specification for the application and declaration by yourself before you sign to the declaration.

If you cannot sign or refuse to declare for some reason, we would like to be informed with the reason.

Thank you for your cooperation.

Regards,

If you are to refuse to declare, please fill your name on an enclosed postcard and send it back to us. In the United States, even if one or some of the inventors refuse to declare, an application may be filed with the other inventor's declaration (37CFR§1.47). In this case, a notification indicating that the application has been filed will be issued to the inventors who refused to declare. The inventors who have once refused to declare may file their declaration later (§1.63). Please kindly understand that we will regard that you intend to refuse to declare and will proceed to file the application if we do not receive the signed application forms or any information from you by June 21.

Exhibit H



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 9 of 10

EXHIBIT I



Attorney Docket No.: 47793/57534
Applicant(s): T. NARA, et al.
U.S.S.N.: 10/087,329
Filed: March 1, 2002
Group Art Unit: 2162
Examiner: Not Yet Known
Page 10 of 10

EXHIBIT J

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クロネコヤマトの荷物お問い合わせシステム

1. 画面左側の枠の中にお問い合わせ伝票番号を入力して下さい。
2. 集配を担当した営業所の詳細をご覧になる場合は、「詳細情報 ○あり」を選択して下さい。
(伝票番号をクリックすると詳細がご覧になれます。)
3. 伝票番号入力後、「お問い合わせ開始ボタン」をクリックして下さい。

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詳細情報 ☒ あり ☐ なし

お問い合わせ伝票番号		日付	配達状況
1件目	<input type="text" value="1579-5434-5603"/>	06/14	配達完了
2件目	<input type="text"/>		
3件目	<input type="text"/>		
4件目	<input type="text"/>		
5件目	<input type="text"/>		
6件目	<input type="text"/>		
7件目	<input type="text"/>		
8件目	<input type="text"/>		
9件目	<input type="text"/>		
10件目	<input type="text"/>		

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1件目 伝票番号 1579-5434-5603

このお品物はお届けが済んでおります。
お問い合わせは担当営業所までお願いいたします。

荷物状況	日付	時間	営業所名	営業所番号
発送	06/13	19:03	新宿1丁目営業所	036330
配達完了	06/14	09:38	横須賀営業所	026420

[▲先頭に戻る](#)

Exhibit J